



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 \* Olympia, Washington 98504-0908 \* (360) 753-1111 \* Fax (360) 753-1112  
Toll Free 1-877-601-2828 \* E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) \* Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT	)	PDC CASE NO: 04-019
ACTION AGAINST	)	
	)	Notice of Administrative
James Stiebritz	)	Charges
	)	
Respondent.	)	
	)	

IT IS ALLEGED as follows:

**I.**  
**JURISDICTION**

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

**II.**  
**LAW**

**RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts**, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months...(5) No individual may be required to file more than once in any calendar year.”

**RCW 42.17.241** details the content required in each report.

*“The public’s right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.”*

RCW 42.17.010 (10)



**WAC 390-24-010 Forms for Statement of Financial Affairs**, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 9/02...”

### **III.** **FACTS**

The Respondent, James Stiebritz, is a Port Commissioner in the Port of Ilwaco, 4095 Sand Ridge Road, Long Beach, Washington 98631. He is an incumbent Port Commissioner who was a candidate for re-election in 2003.

As a Port Commissioner in the Port of Ilwaco who served during 2002, Mr. Stiebritz was required to file an annual Statement of Financial Affairs (PDC form F-1) by no later than April 15, 2003, covering the previous calendar year. The F-1 report was not timely filed. On June 25, 2003, Mr. Stiebritz was sent a letter informing him that the annual F-1 report due by April 15, 2003, had not been received. The letter stated that he needed to file before July 9, 2003, to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. **(Exhibit 1)** The annual F-1 report was not received. On July 11, 2003, Mr. Stiebritz was notified of a brief enforcement hearing scheduled for July 31, 2003. The notice gave him the opportunity to file the missing report, stipulate to a violation of RCW 42.17.240 and pay a \$100 penalty to avoid a brief enforcement hearing. **(Exhibit 2)** On July 29, 2003, after it was learned that Mr. Stiebritz’s prior enforcement history made him ineligible for a brief enforcement hearing, he was notified by letter that the July 31, 2003, brief enforcement hearing had been cancelled, and that a hearing before the full Commission would be scheduled for his case. **(Exhibit 3)**

Mr. Stiebritz filed a Declaration of Candidacy with the Pacific County Auditor on July 30, 2003. **(Exhibit 4)**. His name appeared on the general election ballot on November 4, 2003. He ran unopposed and was elected on November 4, 2003. As a candidate in the November 4, 2003 general election, Mr. Stiebritz was required to file a Statement of Financial Affairs (PDC form F-

James Stiebritz

Notice of Administrative Charges – Case No. 04-019

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1) within two weeks of becoming a candidate, or by August 14, 2003. The report, required because Mr. Stiebritz had not submitted the annual F-1 report by April 15, 2003, was not timely filed. On August 20, 2003, Mr. Stiebritz was sent a letter informing him that the F-1 report due within two weeks of becoming a candidate had not been received. The letter stated that he needed to file before August 28, 2003 to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. The letter also stated that filing his F-1 report as a candidate would not impact his failure to comply with the annual F-1 filing requirement. **(Exhibit 5)** The F-1 report due by August 14, 2003, was filed electronically on September 30, 2003. **(Exhibit 6)**

**Past History** – In 1999, in Case #00-180, Mr. Stiebritz was a Port Commissioner in the Port of Ilwaco. He was required to file an annual Statement of Financial Affairs (PDC Form F-1) by April 15, 1999. The F-1 was not filed. On October 22, 1999, Mr. Stiebritz was notified of a brief enforcement hearing scheduled for November 3, 1999. The notice gave him the opportunity to file the missing report, stipulate to a violation of RCW 42.17.240 and pay a \$50 penalty to avoid a brief enforcement hearing. Mr. Stiebritz filed the missing F-1 report and paid a \$50 stipulated penalty to avoid a hearing.

In 2001, in Case #01-608, Mr. Stiebritz was a Port Commissioner in the Port of Ilwaco. He was required to file an annual Statement of Financial Affairs (PDC Form F-1) by April 16, 2001. The F-1 was not filed. A brief enforcement hearing was held July 30, 2001, and Mr. Stiebritz was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs by April 16, 2001. He was assessed a civil penalty of \$250. Mr. Stiebritz filed an F-1 form and paid the \$250 penalty on October 22, 2001.

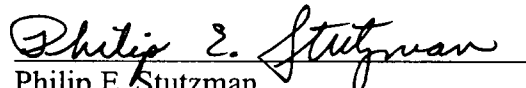
In 2002, in Case #02-579, Mr. Stiebritz was a Port Commissioner in the Port of Ilwaco. He was required to file an annual Statement of Financial Affairs (PDC Form F-1) by April 15, 2002. The F-1 was not filed. On May 21, 2002, Mr. Stiebritz was notified of a brief enforcement hearing

scheduled for June 4, 2002. The notice gave him the opportunity to file the missing report, stipulate to a violation of RCW 42.17.240 and pay a \$50 penalty to avoid a brief enforcement hearing. Mr. Stiebritz filed the missing F-1 report and paid a \$50 stipulated penalty to avoid a hearing.

**IV.**  
**CONCLUSION**

Staff alleges, based on the facts specified in Section III, that James Stiebritz has violated RCW 42.17.240 by failing to timely file the annual Statement of Financial Affairs (PDC form F-1) by April 15, 2003, and by failing to file the Statement of Financial Affairs within two weeks of becoming a candidate, or by August 14, 2003.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of November, 2003.

  
Philip E. Stutzman  
Director of Compliance

**Exhibits**

Exhibit 1	June 25, 2003 Annual F-1 Warning Letter
Exhibit 2	July 11, 2003, Annual F-1 Brief Enforcement Hearing Notice
Exhibit 3	July 29, 2003, notification of cancelled Brief Enforcement Hearing
Exhibit 4	Declaration of Candidacy
Exhibit 5	August 20, 2003, Candidate F-1 Warning Letter
Exhibit 6	F-1 Report Electronically Filed on September 30, 2003



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June 25, 2003

JAMES STIEBRITZ  
4905 SANDRIDGE RD  
LONG BEACH WA 98631

**SUBJECT:** Missing Personal Financial Affairs Statement (PDC Form F-1)

Our records indicate that pursuant to RCW 42.17 (the public disclosure law) you were required to file a Personal Financial Affairs Statement by April 15, 2003. Forms for filing the report were mailed to your jurisdiction in late December, 2002. We have not yet received your F-1 or F-1A report.

**Please complete the F-1 form and submit it to the PDC before July 9, 2003 to avoid the possibility of enforcement before the Commission that could result in the assessment of civil penalties.<sup>1</sup>**

F-1 and F-1 Supplement forms are enclosed for your use. Templates of the F-1, F-1A, and F-1 Supplement forms are available on the PDC Web site: visit [www.pdc.wa.gov](http://www.pdc.wa.gov), click on "Filer Assistance" and then on "Form Templates." The F-1 instruction manual is available online under "Filer Assistance," "Manuals," and "Personal Financial Affairs Statement Instructions," and can also be obtained from your County Auditor or the PDC.

In addition, electronic filing of the F-1 statement is now available. Please visit [www.pdc.wa.gov](http://www.pdc.wa.gov), click on "Electronic Filing," and then on "Personal Financial Affairs Filer." You will be guided through the process of establishing a user account, filing a signature authorization card via U.S. mail, and submitting your F-1 report online.

If you have already filed the F-1 form in 2003, please contact our office immediately. If you need assistance, please contact Tony Perkins at (360) 586-1042, toll-free at 1-877-601-2828 or by email at [tperkins@pdc.wa.gov](mailto:tperkins@pdc.wa.gov). Thank you for your cooperation.

Sincerely,

*Philip E. Stutzman TP*

Philip E. Stutzman  
Director of Compliance  
Enclosures: F-1 Form and F-1 Supplement Page

<sup>1</sup> Please note that faxed reports are not acceptable because they only show a copy of your signature, and an original signature is required to certify your report.

*"The public's right to know of the financing of political campaigns and lobbying  
and the financial affairs of elected officials and candidates far outweighs  
any right that these matters remain secret and private."*

RCW 42.17.010 (10)

EXHIBIT /  
of





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July 11, 2003

JAMES STIEBRITZ  
4905 SANDRIDGE RD  
LONG BEACH WA 98631

PDC Case No: 04-019      Office/Position Held: PORT COMMISSIONER  
Jurisdiction: PORT OF ILWACO

Our records indicate that pursuant to RCW 42.17 (the public disclosure law) you were required to file a Personal Financial Affairs Statement by April 15, 2003. On June 25, 2003, a reminder of your filing requirement and a warning of enforcement action with possible civil penalties were sent to you with reporting materials. We have received neither an F-1 or F-1A report for calendar year 2003 from you to date.

Pursuant to WAC 390-37-142 and RCW 34.05.482 et seq., a brief enforcement hearing will be conducted to determine if you have violated the public disclosure law by failing to timely file the Personal Financial Affairs Statement (PDC form F-1) by April 15, 2003, which is a violation of RCW 42.17.240. Susan Brady, Chair of the Public Disclosure Commission, is the Presiding Officer in this matter. The hearing will be conducted as follows:

Date and time: Thursday, July 31, 2003 at 9:00 a.m. (All times are approximate.)

Place:                    Evergreen Plaza Building, Room 206  
                              711 Capitol Way, Olympia, WA 98504-0908

**YOU CAN AVOID THE HEARING by signing the enclosed statement of understanding and returning it along with \$100 for the missing report.** Your check or money order must be made payable to the "Washington State Treasurer." You must also file the missing report. To avoid the hearing, your signed statement of understanding, missing report and check or money order for \$100 must be received in our office by Friday, July 25, 2003.

Under the brief enforcement hearing rules, the Commission has the authority to assess penalties of up to \$500 for violations. If you do not avoid the hearing as outlined above, a penalty higher than \$100 could be assessed at the hearing. A copy of the Brief Enforcement Penalty Schedule adopted by the Commission for F-1 enforcement is enclosed. If you do not avoid the hearing, and there are circumstances you wish to have considered at the time of the hearing, you may submit a written response or attend the hearing. If a limited-English-speaking or hearing impaired party or witness to this proceeding needs an interpreter, a qualified interpreter will be appointed and there will be no cost to the party or witness. If an interpreter is required, or if further correspondence regarding this proceeding should include instructions in a language

EXHIBIT 2  
1 of 2



other than English, please inform us in writing or contact us at (360) 753-1111, toll-free at 1-877-601-2828, or by email at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

I will be representing the staff of the Commission at the hearing. If you are unable to attend the hearing and would like to participate by telephone conference call, or if you have questions regarding your missing report or the hearing, please call **Tony Perkins** at (360) 586-1042, toll free at 1-877-601-2828, or by e-mail at [tperkins@pdc.wa.gov](mailto:tperkins@pdc.wa.gov). A written order by the Presiding Officer will be entered after the hearing.

Sincerely,

*Philip E. Stutzman*

Philip E. Stutzman  
Director of Compliance

Enclosures: Statement of Understanding, PDC Form F1 & F1 Supplement, Brief  
Enforcement Penalty Schedule

EXHIBIT 2  
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July 29, 2003

JAMES STIEBRITZ  
4905 SANDRIDGE RD  
LONG BEACH WA 98631

Subject: **Cancellation of Brief Hearing** in PDC Case #04-019

Dear Mr. Stiebritz:

On July 11, 2003, a notice was sent to you regarding a Brief Enforcement Hearing scheduled for July 31, 2003, for failing to timely file the Personal Financial Affairs Statement (PDC form F-1) by April 15, 2003 for the above-referenced case.

Subsequent to this mailing, a review of all candidates on the 2003 Late Filing of F-1 list was undertaken. In addition to the lack of timeliness in filing your F-1 for calendar year 2002, our review indicated you have had prior enforcement with the Commission.

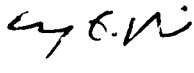
In accordance with the penalty schedule adopted by the Commission on July 23, 2002, based on your past enforcement your case is not eligible for a hearing before a single commissioner, and must be heard before the full Commission. (See enclosed copy of penalty schedule).

The July 31, 2003, Brief Hearing for your case has been cancelled.

A future enforcement hearing will be scheduled before the full Commission to determine if you have violated the public disclosure law by failing to timely file your F-1 report by April 15, 2003. You will be timely notified of the future enforcement date and location of the hearing when that information has been determined.

If you have questions, please contact me at (360) 664-8854, toll free at 1-877-601-2828, or by email at [pstutzman@pdc.wa.gov](mailto:pstutzman@pdc.wa.gov).

Sincerely,



for  
Philip E. Stutzman  
Director of Compliance

Enclosure

EXHIBIT 3  
of 1





Date/Time 7/30/03 10:15 Fee Paid \$ 0 File No. 1B13  
 Paid By (Check one)  
☐ Check ☐ Other ☐ Cash ☐ Nom. Petition Clerk/Cashier initials JMK Office Code: \_\_\_\_\_

## DECLARATION OF CANDIDACY

1. I, Jim Stiebritz am a registered voter residing at:  
 (PRINT NAME AS YOU ARE REGISTERED TO VOTE)  
 2. 4905 Sandridge rd Long Beach Pacifi 98631  
 (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)  
Some  
 (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)  
 (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

Port Comissioner Port of Ilwaco  
 (NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☒ A full term or a full term and a short term, or  
☐ An unexpired term

5. This office is:

- ☒ Nonpartisan, or  
☐ Partisan, and I am: ☐ a candidate of the \_\_\_\_\_ party, or  
☐ an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- ☒ There is no filing fee because the office has no fixed annual salary, or  
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or  
☐ I am submitting a filing fee of \$ 0, an amount equal to 1% of the annual salary, or  
☐ I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot **exactly** as follows: Jim Stiebritz  
 (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

STATE OF WASHINGTON, COUNTY OF Pacific

8. Sign Here X

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

SIGNED, OR ATTESTED BEFORE ME ON

(DATE)

by

(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

MY APPOINTMENT EXPIRES

(SEAL OR STAMP)

EXHIBIT

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August 20, 2003

TO: JAMES STIEBRITZ  
4905 SANDRIDGE RD  
LONG BEACH WA 98631

FROM: Philip Stutzman, Director of Compliance, Public Disclosure Commission (PDC)

SUBJECT: **Missing Personal Financial Affairs Statement (PDC form F-1)**

Our records indicate that you are a candidate in the 2003 election and that the PDC has not yet received a Personal Financial Affairs Statement (PDC form F-1) from you. The public disclosure law requires candidates to file the F-1 form within two weeks of becoming a candidate. **An F-1 report is required from you as a candidate because you did not file the F-1 required annually by April 15, 2003, from elected and appointed officials.**

Enclosed is a blank F-1 form for your use. If applicable, also complete the F-1 Supplement Page. **Please complete the F-1 form and mail it to the PDC by August 28, 2003 to avoid the possibility of enforcement before the Commission, for filing to file the F-1 as a candidate, that could result in the assessment of monetary civil penalties.**<sup>1</sup> Please note that filing the F-1 form as a candidate will not impact your failure to comply with the annual filing requirement.

A template of the F-1 form is also available on the PDC Web site at [www.pdc.wa.gov](http://www.pdc.wa.gov). Click on "Filer Assistance" and then on "Form Templates." The F-1 Instruction booklet is available on our web site under "Filer Assistance", "Manuals" and "Personal Financial Affairs Statement Instructions" and is also available from your County Auditor and the PDC.

If you need assistance, please contact Sally Parker at (360) 586-2869 or by e-mail at [sparker@pdc.wa.gov](mailto:sparker@pdc.wa.gov). You may also contact Tony Perkins at (360) 586-1042 or by email at [tperkins@pdc.wa.gov](mailto:tperkins@pdc.wa.gov). Both may be reached toll-free at 1-877-601-2828.

Thank you.

Enclosure  
F-1 / F-1 Supplement forms

<sup>1</sup> Please note that faxed reports are **not** acceptable because they only show a copy of your signature and the report needs to display your actual original signature.

EXHIBIT 5  
of 1



PDC FORM  
**F-1**  
(11/00)

**PERSONAL FINANCIAL  
AFFAIRS STATEMENT**

7814100461  
PDC OFFICE USE

Refer to instruction manual for detailed assistance and examples

**Deadlines:** Incumbent elected and appointed officials - by April 15th.  
Candidates and others - within two weeks of becoming a  
candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

Last Name

First Name

M.I.

STIEBRITZ

JAMES

A

Mailing Address (Use PO Box or Work Address)

PO BOX 799

City

County

Zip

LONG BEACH

PACIFIC

98624

**Filing Status (Check only one box.)**

☒ An elected or state appointed official filing annual report.

☐ Final report as an elected official. Term expired: \_\_\_\_\_

☐ Candidate running in an election: month \_\_\_\_\_ year \_\_\_\_\_

☐ Newly appointed to an elective office.

☐ Newly appointed to a state appointive office.

Names of immediate family members. If there is no reportable  
information to disclose for the dependent children, or other  
dependents living in your household, do not identify them. Do  
identify your spouse. See F-1 manual for details.

SP

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**Office Held or Sought**

Office title: PORT COMMISSIONER

County, city, district or agency of the office.

name and number: PORT OF ILWACO

Position number: 1

Term begins: 01/01/1998

ends: 12/31/2003

STIEBRITZ JAMES A

F1

5

09-30-2003

0

0055092944026

STIEBRITZ JAMES A

F1

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09-30-2003

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EXHIBIT 6  
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